

Remarks

Claims 1-17 are pending and have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al in view of the Professional Baking cookbook and Hahn et al.

The present invention relates to bread-like products that can be easily prepared by the end user simply by baking a frozen, unproofed product. The product as presently described and claimed is a "biscuit swirl," which is a novel product having the organoleptic properties of a luxuriant roll, but with the ease in preparation of a freezer-to-oven product. The present product mimics the organoleptic properties of traditional products that historically are much more difficult to prepare, because the traditional product comprises a yeast leavening agent and dough structure that does not perform properly in convenience freezer-to-oven preparation conditions. See the background discussion at page 2 of the present specification.

The present claims are drawn to a frozen unproofed, unbaked biscuit swirl capable of being baked without an intermediate thawing or proofing step. The biscuit swirl comprises two major portions: a) a nonlaminated biscuit dough comprising flour, water, chemical leavening system, sugar and fat; and b) a smear layer having a water activity that is compatible with said biscuit dough. The biscuit dough is formed in a swirl with the smear layer located between adjacent portions of the biscuit dough. The biscuit swirl is a frozen, unproofed state. When baked, the biscuit swirl has a baked specific volume of at least about 2.2, and does not require a thawing step, a proofing step, or a thawing and proofing step, prior to baking.

A unique requirement of this invention is that a swirl dough product (which is associated with a luxuriant roll organoleptic expectation as explained in the present specification) is provided using a biscuit dough. Biscuit doughs are recognized in the art as being different from regular bread doughs, as acknowledged in the Advisory Action dated July 1, 2004. See also the discussion at page 86 of the "Professional Baking" Cookbook.

Hansen relates to freezer-to-oven dough products comprising a chemical leavening system comprising a plurality of chemical leavening acids having different temperature ranges within which they are active as chemical leaveners. The dough products that are the object of the Hansen reference are breads, pastries, Danishes and sweet rolls. Hansen, et al recognize the difficulties of preparing such products in a convenient freezer-to-oven configuration, and so uses a different (though not mutually exclusive) solution to prepare suitable freezer-to-oven products. Hansen focuses on the nature of the chemical leavening system to provide a staged rising of the dough prior to setting of the dough structure in the baking process. See column 6, lines 21-25 and lines 40-46. Notably, the preferred dough product of Hansen comprises a laminated dough, which takes advantage of physical separation of the dough by fat layers to provide even more rising of the dough in the cooking process. See column 11, lines 47-54.

The product configurations taught for preparation by Hansen are all clearly bread-like in consistency. All products listed in Hansen are bread-dough type products, and none are conventionally prepared using biscuit dough. Hansen teaches that the desired rising property for these products is achieved through the selection of the leavening system. In additional preferred systems, Hansen indicates that exceptional rising properties are achieved through use of a laminated dough configuration, characteristic of flaky products such as Danishes and croissants that are quite different in consistency from the products as described in the present claims.

Hansen does discuss cinnamon roll configurations and issues related to such products at column 3, lines 41-54 and beginning at column 15, line 40. Hansen notes that small cinnamon rolls, sold as "Cini-mini" cinnamon rolls, can be made as a freezer-to-oven product, but only because the product is very small and the degree of expansion required to provide a suitable a small baked product is much less than that required for a larger baked product. See column 3, lines 40-54 and line 63 to column 4, line 9.

Hansen goes on in Example 1 to prepare cinnamon rolls using the leavening system as described therein. As can be seen at column 16 of Hansen,

the smaller 1.5 oz cinnamon rolls provide good baked results with BSVs of 2.2-2.7, and 3.0 oz rolls also provided good baked results, “with the exception of some extremely slight side wall tearing in some of the rolls.” The 3.0 oz rolls exhibited BSVs of 2.3 to 2.4.

The challenge of consistently preparing larger sized freezer-to-oven luxuriant rolls still exists, however, even after Hansen. As described in the present specification, the present configuration in particular provides excellent products over the entire size range, including rolls of greater than 3 oz, 5 oz and 7 oz in size. See page 9, lines 17-24. This advantage in BSV performance was demonstrated in a side-by-side demonstration set forth in the declaration under 37 C.F.R. §1.132 by Inventor Leola Henry filed on September 16, 2004 (executed copy filed on October 21, 2004) in the present application. This declaration describes experiments carried out to measure relative BSVs of products using different doughs in five ounce products. These experiments demonstrate that the selection of the use of biscuit dough, as compared to a fully developed dough, is not a mere alternative and obvious choice, but rather results in surprising beneficial properties of high BSV in freezer-to-oven roll products as presently claimed. Surprisingly, the BSV of the five ounce freezer-to-oven roll product prepared from biscuit dough was significantly higher than the BSV of the five ounce freezer-to-oven roll product prepared from a fully developed laminated dough, and also was significantly higher than the BSV of the five ounce freezer-to-oven roll product prepared from a fully developed non-laminated dough.

The Professional Baking cookbook is cited to provide a teaching regarding the mixing of ingredients to make biscuits and formulas used to make biscuits. However, the products made are all characteristic of traditional biscuit or quick bread products, and there is nothing in this reference to suggest using such formulas to make products that are not associated with biscuit or quickbread recipes. Nothing in the Professional Cookbook would teach or suggest adaptation of a conventional dough recipe (such as described in Hansen), and so one would not be motivated to substitute a biscuit dough for a conventional bread-like dough in a bread-like product.

Hahn et al., relates to non-emulsion based, moisture containing fillings that can reduce or eliminate moisture migration between the filling and a dough that is in contact

with the filling (See Hahn et al. at the Abstract). The Hahn et al. reference discloses that its fillings can be used with conventional dough compositions in conventional ways (See Hahn et al. at col. 12, lines 46-65). Hahn does not teach the use of a biscuit dough composition at all, and provides no motivation to use such a dough with the fillings described therein. Hahn further does not teach or even remotely suggest that a luxuriant roll can be made with a biscuit dough. In particular, the Hahn et al. reference does not teach or suggest a "biscuit swirl" as required in claim 1. If one were to combine Hansen with Hahn, one would merely arrive at the cinnamon rolls already described in the examples of Hansen, but with an improved filling material.

It is respectfully submitted that the combination of these references does not teach or suggest a frozen unproofed, unbaked biscuit swirl capable of being baked without an intermediate thawing or proofing step comprising a nonlaminated biscuit dough and a smear layer in the swirl configuration as claimed, and particularly wherein the biscuit swirl, when baked, has a baked specific volume of at least about 2.2. It is further respectfully submitted that claims 6-8 are particularly unobvious, because it was not thought practicable to prepare any type of freezer-to-oven luxuriant roll product in an overall weight greater than 3 oz, 5 oz, or 7 oz, respectively.

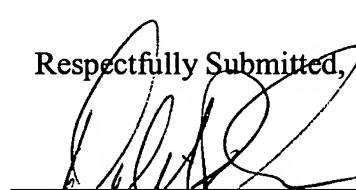
Conclusion

It is respectfully submitted that the claims as currently presently presented amended are in condition for allowance. Early favorable notice to that effect is earnestly solicited. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9811.

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By:

Respectfully Submitted,


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